

House Study Bill 128

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the practices and procedures of the department
2 of public safety and other law enforcement agencies, including
3 building inspections, controlled substance detection training,
4 and criminal history data storage.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1373DP 83
7 jm/rj/14

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1 1 Section 1. Section 103A.10A, subsections 1 and 2, Code
1 2 2009, are amended to read as follows:
1 3 1. All newly constructed buildings or structures subject
1 4 to the state building code, including any addition, but
1 5 excluding any renovation or repair of such a building or
1 6 structure, owned by the state or an agency of the state,
1 7 except as provided in subsection 2, shall be subject to a plan
1 8 review and inspection by the commissioner or an independent
1 9 building inspector appointed by the commissioner. Any
1 10 renovation or repair of such a building or structure shall be
1 11 subject to a plan review, except as provided in subsection 2.
1 12 A fee shall be assessed for the cost of plan review, and, if
1 13 applicable, the cost of inspection. The commissioner may
1 14 inspect an existing building that is undergoing renovation or
1 15 remodeling to enforce the energy conservation requirements
1 16 established under this chapter.
1 17 2. All newly constructed buildings, including any
1 18 addition, but excluding any renovation or repair of a
1 19 building, owned by the state board of regents shall be subject
1 20 to a plan review and inspection by the commissioner or the
1 21 commissioner's staff or assistant. Any renovation or repair
1 22 of a building owned by the state board of regents shall be
1 23 subject to a plan review. The commissioner may inspect an
1 24 existing building that is undergoing renovation or remodeling
1 25 to enforce the energy conservation requirements established
1 26 under this chapter. The commissioner and the state board of
1 27 regents shall develop a plan to implement this provision.
1 28 Sec. 2. Section 124.506, Code 2009, is amended by adding
1 29 the following new subsection:
1 30 NEW SUBSECTION. 3A. Upon request of a law enforcement
1 31 agency, the court may order that a portion of a controlled
1 32 substance subject to forfeiture and destruction pursuant to
1 33 this section become the possession of the requesting law
1 34 enforcement agency for the sole purpose of canine controlled
1 35 substance detection training. A law enforcement agency
2 1 receiving a controlled substance pursuant to this subsection
2 2 shall establish a policy that includes reasonable controls
2 3 regarding the possession, storage, use, and destruction of
2 4 such controlled substance.
2 5 Sec. 3. Section 692.17, Code 2009, is amended to read as
2 6 follows:
2 7 692.17 EXCLUSIONS == PURPOSES.
2 8 1. Criminal history data in a computer data storage system
2 9 shall not include arrest or disposition data or custody or
2 10 adjudication data after the person has been acquitted or the
2 11 charges dismissed, except that records of acquittals or
2 12 dismissals by reason of insanity and records of adjudications
2 13 of mental incompetence to stand trial in cases in which
2 14 physical or mental injury or an attempt to commit physical or
2 15 mental injury to another was alleged may be included.
2 16 Criminal history data shall not include custody or
2 17 adjudication data, except as necessary for the purpose of

2 18 ~~administering chapter 692A,~~ after the juvenile has reached
2 19 twenty-one years of age, unless the juvenile was convicted of
2 20 or pled guilty to a serious or aggravated misdemeanor or
2 21 felony between age eighteen and age twenty-one.

2 22 2. For the purposes of this section, "criminal history
2 23 data" includes the following:

2 24 ~~1- a.~~ In the case of an adult, information maintained by
2 25 any criminal justice agency if the information otherwise meets
2 26 the definition of criminal history data in section 692.1,
2 27 except that source documents shall be retained.

2 28 ~~2- b.~~ In the case of a juvenile, information maintained by
2 29 any criminal or juvenile justice agency if the information
2 30 otherwise meets the definition of criminal history data in
2 31 section 692.1. In the case of a juvenile, criminal history
2 32 data and source documents, other than fingerprint records,
2 33 shall not be retained.

2 34 3. Fingerprint cards received that are used to establish a
2 35 criminal history data record shall be retained in the
3 1 automated fingerprint identification system when the criminal
3 2 history data record is expunged.

3 3 4. Criminal history data may be collected for management
3 4 or research purposes.

3 5 EXPLANATION

3 6 This bill relates to the practices and procedures of the
3 7 department of public safety and other law enforcement
3 8 agencies, including building inspections, controlled substance
3 9 detection training, and criminal history data storage.

3 10 The bill specifies that any renovation or repair of certain
3 11 state buildings and buildings owned by the state board of
3 12 regents shall only be subject to a plan review under the state
3 13 building code by the department of public safety.

3 14 The bill provides that upon request of a law enforcement
3 15 agency, the court may order that a portion of a controlled
3 16 substance subject to forfeiture and destruction pursuant to
3 17 Code section 124.506, become the possession of the requesting
3 18 law enforcement agency for the sole purpose of
3 19 canine-controlled substance detection training.

3 20 The bill provides that custody and adjudication data of a
3 21 juvenile shall remain part of the criminal history data of
3 22 that juvenile after the juvenile has reached 21 years of age
3 23 for the purpose of administering the requirements of the sex
3 24 offender registry in Code chapter 692A.

3 25 Criminal history data is defined in Code section 692.1.

3 26 The bill does not affect juvenile registration provisions
3 27 in Code section 692A.2(6) which require a juvenile to register
3 28 as a sex offender unless the court finds that the juvenile
3 29 should not be required to register.

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